

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOHNNY M. HUNT,

Plaintiff,

v.

SOUTHERN BAPTIST CONVENTION;
GUIDEPOST SOLUTIONS LLC; and
EXECUTIVE COMMITTEE OF THE
SOUTHERN BAPTIST CONVENTION,

Defendants.

Case No. 3:23-cv-00243

Judge Campbell
Magistrate Judge Frensley

**GUIDEPOST SOLUTIONS LLC’S OPPOSED MOTION FOR ENTRY OF SECOND
AMENDED AGREED PROTECTIVE ORDER**

Pursuant to Fed. R. Civ. P. 26, Defendant, Guidepost Solutions LLC (“Guidepost”), moves this Court for entry of a proposed Second Amended Agreed Protective Order, which expands the Amended Agreed Protective Order (Doc. 83) to allow third-party subpoena recipients to exercise the confidentiality and attorneys’ eyes only designations set forth in the Amended Agreed Protective Order currently applicable in this case, and to require third parties to sign an acknowledgment of confidentiality designations and to be bound by the terms of the Amended Agreed Protective Order. Copies of the proposed Second Amended Protective Order, in redline and clean form, are attached as **Exhibit 1** and **Exhibit 2** respectively.

Defendants Southern Baptist Convention (“SBC”) and the Executive Committee of the Southern Baptist Convention (“EC”) are in agreement with the proposed revisions and do not oppose this motion. Plaintiff refuses to agree to the proposed revisions, not on the basis of its

content, but because Plaintiff is apparently angry with Guidepost because they claim “Guidepost has abused the AEO designation and impaired discovery as a result.” A copy of the January 31, 2024 – February 5, 2024 email exchange between counsel for Plaintiff and counsel for Guidepost is attached as **Exhibit 3**.

As set forth in more detail in the accompanying memorandum of law, at least three third-party subpoena recipients - the North American Mission Board of the Southern Baptist Convention (“NAMB”), First Baptist Church of Woodstock (“FBCW”), and New Song Ministries, Inc. (“New Song”) – have inquired about the entry of a protective order as it relates to their respective productions, which involve certain matters the recipients deem to be confidential. The revisions included in the proposed Second Amended Agreed Protective Order are ministerial, intended only to facilitate and expedite third-party document production and ensure that non-parties are able to maintain protection for their confidential information but also are bound by the terms of the Order.

The original Agreed Protective Order (Doc. 52) and the Amended Agreed Protective Order (Doc. 83) were both submitted unopposed to the Court (Docs. 50, 81) and entered without objection. The Amended Agreed Protective Order, to which Plaintiff helped revise and agree, was entered following the Court’s November 22, 2023 Order (Doc. No. 76), addressing attorneys’ eyes only designations for certain materials.

Guidepost has complied with Local Rule 7.01 in conferring with Plaintiff regarding the submission of the proposed Second Amended Agreed Protective Order. Plaintiff’s objection, as evidenced in Exhibit 3, has nothing to do with the substance of the proposed revisions, and is not made in good faith. Further, Plaintiff’s refusal to meet and confer on the matter until after its Second Motion to Compel is decided (Docs. 106-07) is neither productive nor warranted based on the issue at hand, which is the production of documents from third-party subpoena recipients and

the confirmation of third parties to be bound by the Protective Order's terms. Whatever the Court decides with regard to Plaintiff's Second Motion to Compel does not impact whether the existing Protective Order should be modified to ensure that third parties are both protected and bound by its terms. Guidepost respectfully asks that the Court enter immediately the proposed Second Amended Agreed Protective Order so that document production from third-party subpoena recipients may commence.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served through the Court's electronic filing system on the following:

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*Counsel for the Executive Committee of the
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on this 12th day of February, 2024.

s/John R. Jacobson